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FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
06/20/2003	Mutsumi Kitagawa	791_225 6000			
0 12/16/2004		EXAMINER			
BURR & BROWN			DOUGHERTY, THOMAS M		
PO BOX 7068 SYRACUSE, NY 13261-7068			PAPER NUMBER		
			2834		
	06/20/2003 0 12/16/2004 WN	06/20/2003 Mutsumi Kitagawa 0 12/16/2004 WN	06/20/2003 Mutsumi Kitagawa 791_225 0 12/16/2004 EXAM WN DOUGHERTY Y 13261-7068 ART UNIT		

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		\mathcal{M}_{\star}
	Application No.	Applicant(s)
	10/601,125	KITAGAWA ET AL.
Office Action Summary	Examiner	Art Unit
	Thomas M. Dougherty	2834
The MAILING DATE of this communication apperiod for Reply	opears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPITHE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).		timely filed ays will be considered timely. m the mailing date of this communication. IED (35 U.S.C. § 133).
Status		
 1) Responsive to communication(s) filed on 31 (2a) This action is FINAL. 2b) Th 3) Since this application is in condition for allows closed in accordance with the practice under 	is action is non-final. ance except for formal matters, p	
Disposition of Claims		
4) ☐ Claim(s) 1-12 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-12 are subject to restriction and/or	awn from consideration,	
Application Papers	•	
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the edition of the drawing (s) be held in abeyance. So ction is required if the drawing (s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119	·	
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the priority documer application from the International Burea * See the attached detailed Office action for a lis	nts have been received. Its have been received in Applica Ority documents have been received Ority CT Rule 17.2(a)).	ition No ved in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summar	
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 	Paper No(s)/Mail I 5) Notice of Informal 6) Other:	Date Patent Application (PTO-152)

Application/Control Number: 10/601,125

Art Unit: 2834

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-9, drawn to a piezoelectric/electrostrictive actuator, classified in class 310, subclass 358.
- II. Claims 10-12, drawn to a method of making a piezoelectric/electrostrictive actuator, classified in class 29, subclass 25.35.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and of Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process can be used to make other and materially different products, such as those that use nickel or nickel-chromium or chromium, et al. in place of titanium, additionally, products of different thickness ranges other than that claimed (claim 6) can by made by the process. Alternatively, particle sizes other than that claimed (claim 11) may be used in the product.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Direct inquiry to Examiner Dougherty at (571) 272-2022.

Ymd tmd

December 3, 2004

HOMAS M. DOUGHERTY PRIMARY EXAMINER

GROUP 2400